

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
AMANDA DODDS
4 Senior Legal Analyst
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2141
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2013-962

13 **JAIME LYNN MURRAY,**
14 **AKA JAIME LYNN ALLRED**
15 **5076 Dawes Street**
San Diego, CA 92109

A C C U S A T I O N

16 **Registered Nurse License No. 732552**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about July 25, 2008, the Board of Registered Nursing issued Registered Nurse
25 License Number 732552 to Jaime Lynn Murray, also known as Jaime Lynn Allred (Respondent).
26 The Registered Nurse License was in full force and effect at all times relevant to the charges
27 brought herein and will expire on June 30, 2014, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order

1 to fix the degree of discipline or to determine if the conviction is substantially related
2 to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
9 following:

10

11 (f) Conviction of a felony or of any offense substantially related to the
12 qualifications, functions, and duties of a registered nurse, in which event the record of
13 the conviction shall be conclusive evidence thereof.

14

15 10. Section 2762 of the Code states:

16 In addition to other acts constituting unprofessional conduct within the meaning
17 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
18 licensed under this chapter to do any of the following:

19

20 (b) Use any controlled substance as defined in Division 10 (commencing with
21 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
22 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
23 dangerous or injurious to himself or herself, any other person, or the public or to the
24 extent that such use impairs his or her ability to conduct with safety to the public the
25 practice authorized by his or her license.

26 (c) Be convicted of a criminal offense involving the prescription, consumption,
27 or self-administration of any of the substances described in subdivisions (a) and (b) of
28 this section, or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which event the record of
the conviction is conclusive evidence thereof.

....

11. Section 2765 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere
made to a charge substantially related to the qualifications, functions and duties of a
registered nurse is deemed to be a conviction within the meaning of this article. The
board may order the license or certificate suspended or revoked, or may decline to
issue a license or certificate, when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under the

1 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
2 or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
guilty, or dismissing the accusation, information or indictment.

3 REGULATORY PROVISIONS

4 12. California Code of Regulations, title 16, section 1444, states:

5 A conviction or act shall be considered to be substantially related to the
6 qualifications, functions or duties of a registered nurse if to a substantial degree it
7 evidences the present or potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following:

8 (a) Assaultive or abusive conduct including, but not limited to, those violations
9 listed in subdivision (d) of Penal Code Section 11160.

10 (b) Failure to comply with any mandatory reporting requirements.

11 (c) Theft, dishonesty, fraud, or deceit.

12 (d) Any conviction or act subject to an order of registration pursuant to Section
290 of the Penal Code.

13 13. California Code of Regulations, title 16, section 1445 states:

14

15 (b) When considering the suspension or revocation of a license on the grounds
16 that a registered nurse has been convicted of a crime, the board, in evaluating the
rehabilitation of such person and his/her eligibility for a license will consider the
17 following criteria:

18 (1) Nature and severity of the act(s) or offense(s).

19 (2) Total criminal record.

20 (3) The time that has elapsed since commission of the act(s) or offense(s).

21 (4) Whether the licensee has complied with any terms of parole, probation,
restitution or any other sanctions lawfully imposed against the licensee.

22 (5) If applicable, evidence of expungement proceedings pursuant to Section
23 1203.4 of the Penal Code.

24 (6) Evidence, if any, of rehabilitation submitted by the licensee.

25 COSTS

26 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licentiate found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
3 included in a stipulated settlement.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(July 6, 2010 Criminal Conviction for Alcohol-Related**
6 **Reckless Driving on December 30, 2009)**

7 15. Respondent has subjected her license to disciplinary action under sections 490 and
8 2761, subdivision (f) of the Code in that she was convicted of a crime that is substantially related
9 to the qualifications, functions, and duties of a registered nurse. The circumstances are as
10 follows:

11 a. On or about July 6, 2010, in a criminal proceeding entitled *People of the State*
12 *of California v. Jaime Lynn Allred*, in San Diego County Superior Court, case number M101004,
13 Respondent was convicted on her plea of guilty of violating Vehicle Code section 23103,
14 subdivision (a), alcohol-related reckless driving, a charge substituted in place of the original
15 charge of violating Vehicle Code section 23152, subdivision (a), driving under the influence,
16 pursuant to Vehicle Code section 23103.5. The court dismissed additional counts of violating
17 Vehicle Code section 23152, subdivision (b), driving with a blood alcohol concentration (BAC)
18 of .08 or higher, and Vehicle Code section 12500, subdivision (a), driving without a valid license,
19 pursuant to the plea agreement.

20 b. As a result of the conviction, on or about July 6, 2010, Respondent was granted
21 three years summary probation, and ordered to complete a three-month First Conviction Program
22 and a MADD Victim Impact Panel session, pay fees, fines, and restitution, and comply with the
23 terms of standard DUI probation.

24 c. The facts that led to the conviction are that shortly after midnight, on or about
25 December 30, 2009, a patrol officer with the San Diego Police Department observed a vehicle,
26 driven by Respondent, with fresh collision damage and drifting from side to side, and straddling
27 lane markers. After conducting a traffic stop, the officer made contact with Respondent. The
28 officer noted the odor of an alcoholic beverage on Respondent's breath, and her eyes were

1 watery. Respondent stated that she had one "big" glass of wine earlier in the evening.
2 Respondent submitted to a series of field sobriety tests which indicated impairment. Respondent
3 provide two breath samples which were analyzed by the portable alcohol screening device with a
4 BAC of .10 and .093, respectively. Respondent was arrested for driving under the influence.
5 During booking, she provided two additional breath samples which were analyzed with a BAC of
6 .11 percent.

7 SECOND CAUSE FOR DISCIPLINE

8 **(April 26, 2012 Criminal Convictions for DUI on December 2, 2011)**

9 16. Respondent has subjected her license to disciplinary action under sections 490 and
10 2761, subdivision (f) of the Code in that she was convicted of crimes that are substantially related
11 to the qualifications, functions, and duties of a registered nurse. The circumstances are as
12 follows:

13 a. On or about April 26, 2012, in a criminal proceeding entitled *People of the*
14 *State of California v. Jaime Lynn Murray, aka Jaime L. Allred, aka Jaime Lynn Allred*, in Orange
15 County Superior Court, case number 12HM00293, Respondent entered a plea of guilty, and the
16 court found Respondent guilty of violating Vehicle Code section 23152, subdivision (a), driving
17 under the influence, and Vehicle Code section 23152, subdivision (b), driving with a blood
18 alcohol concentration (BAC) of .08 or higher. The court found true the special allegation that
19 Respondent had been previously convicted of a separate violation of Vehicle Code section 23103,
20 as specified in Vehicle Code section 23103.5, within the previous ten years, as described in
21 paragraph 15, above, pursuant to Vehicle Code section 23540.

22 b. As a result of the plea, on or about April 26, 2012, the court sentenced
23 Respondent to informal probation for five years, and she was sentenced to 60 days in the Orange
24 County Jail. Credit was given for the 60 days Respondent participated in the SCRAM program.¹

25
26 ¹ The SCRAM program utilizes a tamper-resistant bracelet that a DUI offender wears
27 around his/her ankle. The SCRAM bracelet tests the DUI offender's sweat for alcohol at least
28 once per hour. The SCRAM bracelet wirelessly transmits the results at least once per day via the
SCRAM modem to a regional monitoring center. If the DUI defendant removes the SCRAM
bracelet or consumes alcohol, the regional monitoring center will notify the court.

1 Respondent was further ordered complete an 18-month Multiple Offender Alcohol Program and a
2 MADD Victim Impact Panel session, pay fees, fines, and restitution, and comply with the terms
3 of DUI probation.

4 c. The facts that led to the conviction are that on or about the evening of
5 December 2, 2011, officers from the Irvine Police Department were dispatched to a report of a
6 non-injury traffic collision. The reporting party stated that Respondent, who appeared drunk,
7 backed into his vehicle at a stop light. After they exchanged traffic collision information,
8 Respondent drove away. The reporting party followed Respondent and called police. After a
9 traffic stop, the officers made contact with Respondent; her eyes appeared to be red and watery,
10 her face was flushed, her pupils were dilated and her speech was slow. The officers could smell a
11 moderate odor of an alcoholic beverage emitting from Respondent. Respondent initially denied
12 having consumed alcohol, been then stated she had consumed one beer approximately five hours
13 earlier. She stated she did not know where she was, or what time it was. Respondent submitted
14 to field sobriety tests which she was unable to complete as explained and demonstrated by the
15 officers. Respondent was arrested for driving under the influence of alcohol. During booking,
16 Respondent provided two breath samples which were analyzed with a BAC of .14 percent.

17 THIRD CAUSE FOR DISCIPLINE

18 (Dangerous Use of Alcohol)

19 17. Respondent has subjected her registered nurse license to disciplinary action under
20 section 2762, subdivision (b) of the Code for unprofessional conduct in that on or about
21 December 30, 2009, and December 2, 2011, as described in paragraphs 15 and 16, above,
22 Respondent used alcoholic beverages to an extent or in a manner that was dangerous and
23 injurious to herself and to others, when she operated a motor vehicle while impaired.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Conviction of Alcohol-Related Criminal Offenses)**

3 18. Respondent has subjected her registered nurse license to disciplinary action under
4 section 2762, subdivision (c) of the Code for unprofessional conduct in that on or about July 6,
5 2010, and July 5, 2011, as described in paragraphs 15 and 16, above, Respondent was convicted
6 of criminal offenses involving the consumption of alcohol.

7 **DISCIPLINARY CONSIDERATIONS**

8 19. To determine the degree of discipline, if any, to be imposed on Respondent, pursuant
9 to California Code of Regulations, title 16, section 1445, subdivision (b), Complainant alleges
10 that in a letter submitted by Respondent with her application for licensure, Respondent stated that
11 she had a prior convictions for driving while intoxicated (DWI) in 1996 and 1997.

12 **PRAYER**

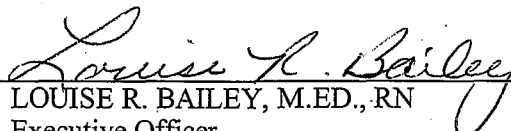
13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License Number 732552, issued to Jaime
16 Lynn Murray, also known as Jaime Lynn Allred;

17 2. Ordering Jaime Lynn Murray to pay the Board of Registered Nursing the reasonable
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions
19 Code section 125.3;

20 3. Taking such other and further action as deemed necessary and proper.

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23 DATED: APRIL 25, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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